

41

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2 day of JULY, 2003

173L

RECEIVED
JUL 09 2003
GROUP 1700

By Richard M. Best

4981*339 (PM-1979)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

.....
RICHARD JUPE ET AL :

SERIAL NO: 10/080,801 ✓ :

ART UNIT: 1731 ✓

FILED: FEBRUARY 22, 2002 :

EXAMINER: D. A. WALLS

FOR: CIGARETTE AND FILTER WITH :
DOWNSTREAM FLAVOR ADDITION

.....
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The present application has been carefully studied in view of the outstanding Office Action dated June 3, 2003, and reconsideration of the restriction requirement set forth in the Action is respectfully requested.

Applicant respectfully transposes the restriction requirement identified in the Office Action as including four groups of claims. All of these claims are closely related and define tobacco products properly classified in class 131. Similar fields of search must be made with regard to these claims, and similar issues must be addressed in determining patentability. Economy dictates that one prosecution history be generated, and the Examiner has discretion in that regard. Accordingly, it is respectfully requested that the restriction requirement be withdrawn and all of the claims be examined on the merits in the next Office Action.

As required by prosecution practice, applicant provisionally elects the subject matter of Group I, and finds claims 1-20 and 32-34 readable thereon.

Applicant further requests that at least the claims of Group III be examined with the claims of the provisional election. Claims 23-31 of Group III are drawn to the combination of a cigarette and filter while claims 36-43 specifically recite the filter of that combination.

The claims of Group I are similar to the claims of Group III, and in fact both groups are classified in class 131, subclass 335. Accordingly, search and examination of one group necessarily covers the same ground as search and examination of the other group. Another significant aspect is that favorable consideration of the claims of Group I would necessarily determine a favorable consideration of the claims of Group III.

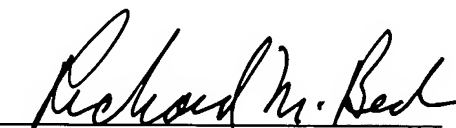
Although it is requested that all of the claims be examined in this application, applicant strongly urges that the Examiner to at least combine Groups I and III for examination in this application.

Action on the merits is respectfully requested.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By



Richard M. Beck
Reg. No. 22,580
Tel. (302) 658-914

RMB/alh/273063